

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ELKIN OVIDIO POSADA-HINCAPIE,  
  
Defendant.

13-CR-958-1 (JMF)

ORDER


JESSE M. FURMAN, United States District Judge:

There is a proceeding in this matter scheduled for **November 9, 2020**. Counsel are directed to confer and, **within three business days of this Order**, submit a joint letter indicating their views on whether the proceeding should be held or if it should be adjourned (and, if so, for how long). If either party believes that the proceeding should be held, counsel should explain why and indicate their views on (1) whether the proceeding should be held in person or remotely; and (2) whether, if permitted Court under the Constitution, the Federal Rules, and the CARES Act, the Defendant consents to a remote proceeding and/or to waiving his/her appearance altogether. If the Defendant is detained, counsel should identify the facility in which the Defendant is held; if the Defendant is not detained, counsel should indicate whether the Defendant would be capable of participating in a remote proceeding. **Counsel is advised that, for the foreseeable future, some facilities (including the Metropolitan Correctional Center and the Metropolitan Detention Center) may require that any inmate appearing in court be quarantined for 14 days upon returning from their appearance.**

After reviewing the parties' joint letter, the Court will issue an order indicating whether the proceeding will be held and, if so, how; and addressing any other relevant deadlines and information. If a proceeding is held, it may have to be at a different time. To that end, counsel should indicate in their joint letter dates and times during the week of the currently scheduled proceeding that they would be available for a proceeding, whether in person or remote. In the event of a remote proceeding, counsel should review and comply with the Court's Emergency Individual Rules and Practices in Light of COVID-19, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>.

SO ORDERED.

Dated: October 23, 2020  
New York, New York

  
JESSE M. FURMAN  
United States District Judge